

HOUSE BILL No. 1628

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-23.5; IC 9-18-8; IC 34-24-1-1.

Synopsis: Motor vehicle chop shops. Makes it a Class C felony subject to a fine of not more than \$100,000 to operate or conduct certain activities in support of a chop shop. Establishes a minimum fine for offenses related to the misuse of vehicle identification numbers, labels, or plates. Provides for the seizure of property used in a chop shop or acquired through the proceeds of a chop shop.

Effective: July 1, 2003.

Reske, Koch, Noe, Lawson L

January 16, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1628

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-23.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 23.5. "Chop shop" means a building, structure, or**
4 **other premises used for the purpose of:**

5 **(1) storing;**

6 **(2) altering;**

7 **(3) destroying;**

8 **(4) disassembling or reassembling;**

9 **(5) dismantling; or**

10 **(6) defacing, destroying, forging, falsifying, or obliterating an**
11 **identification label or number on;**

12 **a motor vehicle or a major component part of a motor vehicle**
13 **obtained by theft, fraud, attempted fraud, or conspiracy to commit**
14 **fraud in order to obtain a profit.**

15 SECTION 2. IC 9-18-8-10.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2003]: **Sec. 10.5. (a) A person who knowingly or intentionally:**



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1 (1) owns or operates;
 2 (2) transports a motor vehicle or a major component part to;
 3 (3) receives a motor vehicle or a major component part from;
 4 (4) sells a motor vehicle or a major component part to; or
 5 (5) buys a motor vehicle or a major component part from;
 6 a chop shop commits a Class C felony.

7 (b) Notwithstanding IC 35-50-2-6, a court that sentences a
 8 person for an offense under this section shall fine the person not
 9 more than one hundred thousand dollars (\$100,000).

10 SECTION 3. IC 9-18-8-12 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A person who
 12 knowingly:

- 13 (1) damages;
- 14 (2) removes;
- 15 (3) covers; or
- 16 (4) alters;

17 an original or a special identification number commits a Class C felony.

18 (b) Notwithstanding IC 35-50-2-6, a court that sentences a
 19 person for an offense under this section shall fine the person at
 20 least five thousand dollars (\$5,000).

21 SECTION 4. IC 9-18-8-13 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A person who
 23 knowingly sells or offers for sale a motor vehicle that has had the
 24 original or special identification number:

- 25 (1) destroyed;
- 26 (2) removed;
- 27 (3) altered;
- 28 (4) covered; or
- 29 (5) defaced;

30 commits a Class D felony.

31 (b) Notwithstanding IC 35-50-2-7, a court that sentences a
 32 person for an offense under this section shall fine the person at
 33 least five thousand dollars (\$5,000).

34 SECTION 5. IC 9-18-8-14 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) A person who
 36 knowingly or intentionally sells or offers for sale a motor vehicle part
 37 that has had the identification number:

- 38 (1) destroyed;
- 39 (2) removed;
- 40 (3) altered;
- 41 (4) covered; or
- 42 (5) defaced;

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commits a Class D felony.

(b) Notwithstanding IC 35-50-2-7, a court that sentences a person for an offense under this section shall fine the person at least five thousand dollars (\$5,000).

SECTION 6. IC 9-18-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) Subsection (c) does not apply to a person who manufactures or installs a plate or label containing an identification number:

(1) in a program authorized by a manufacturer of motor vehicles or motor vehicle parts; or

(2) with permission granted by the bureau under this chapter.

(b) As used in this section, "identification number" means a set of numbers, letters, or numbers and letters that is assigned to a motor vehicle or motor vehicle part:

(1) by a manufacturer of motor vehicles or motor vehicle parts; or

(2) by a governmental entity in Indiana or another state to replace a destroyed, a removed, an altered, or a defaced set of numbers, letters, or numbers and letters assigned by a manufacturer of motor vehicles or motor vehicle parts.

(c) A person who knowingly or intentionally possesses a plate or label that:

(1) contains an identification number; and

(2) is not attached to the motor vehicle or motor vehicle part to which the identification number was assigned by a manufacturer of motor vehicles or motor vehicle parts or a governmental entity;

commits a Class D felony.

(d) A person who knowingly or intentionally possesses a plate or label on which an identification number has been altered or removed commits a Class D felony.

(e) A person who, with intent to defraud, possesses a plate or label containing a set of numbers, letters, or numbers and letters that purports to be an identification number commits a Class D felony.

(f) Notwithstanding IC 35-50-2-7, a court that sentences a person for an offense under this section shall fine the person at least five thousand dollars (\$5,000).

SECTION 7. IC 34-24-1-1, AS AMENDED BY P.L.123-2002, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

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- 1 (A) A controlled substance for the purpose of committing,
 2 attempting to commit, or conspiring to commit any of the
 3 following:
 4 (i) Dealing in or manufacturing cocaine, a narcotic drug, or
 5 methamphetamine (IC 35-48-4-1).
 6 (ii) Dealing in a schedule I, II, or III controlled substance
 7 (IC 35-48-4-2).
 8 (iii) Dealing in a schedule IV controlled substance
 9 (IC 35-48-4-3).
 10 (iv) Dealing in a schedule V controlled substance
 11 (IC 35-48-4-4).
 12 (v) Dealing in a counterfeit substance (IC 35-48-4-5).
 13 (vi) Possession of cocaine, a narcotic drug, or
 14 methamphetamine (IC 35-48-4-6).
 15 (vii) Dealing in paraphernalia (IC 35-48-4-8.5).
 16 (viii) Dealing in marijuana, hash oil, or hashish
 17 (IC 35-48-4-10).
 18 (B) Any stolen (IC 35-43-4-2) or converted property
 19 (IC 35-43-4-3) if the retail or repurchase value of that property
 20 is one hundred dollars (\$100) or more.
 21 (C) Any hazardous waste in violation of IC 13-30-6-6.
 22 (D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass
 23 destruction (as defined in IC 35-41-1-29.4) used to commit,
 24 used in an attempt to commit, or used in a conspiracy to
 25 commit an offense under IC 35-47 as part of or in furtherance
 26 of an act of terrorism (as defined by IC 35-41-1-26.5).
 27 (2) All money, negotiable instruments, securities, weapons,
 28 communications devices, or any property used to commit, used in
 29 an attempt to commit, or used in a conspiracy to commit an
 30 offense under IC 35-47 as part of or in furtherance of an act of
 31 terrorism or commonly used as consideration for a violation of
 32 IC 35-48-4 (other than items subject to forfeiture under
 33 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
 34 (A) furnished or intended to be furnished by any person in
 35 exchange for an act that is in violation of a criminal statute;
 36 (B) used to facilitate any violation of a criminal statute; or
 37 (C) traceable as proceeds of the violation of a criminal statute.
 38 (3) Any portion of real or personal property purchased with
 39 money that is traceable as a proceed of a violation of a criminal
 40 statute.
 41 (4) A vehicle that is used by a person to:
 42 (A) commit, attempt to commit, or conspire to commit;

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(B) facilitate the commission of; or
 (C) escape from the commission of;
 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of
 the following as a Class A felony, a Class B felony, or a Class C
 felony:

(A) Dealing in or manufacturing cocaine, a narcotic drug, or
 methamphetamine (IC 35-48-4-1).

(B) Dealing in a schedule I, II, or III controlled substance
 (IC 35-48-4-2).

(C) Dealing in a schedule IV controlled substance
 (IC 35-48-4-3).

(D) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud
 under IC 35-43-5-4(11).

(7) Recordings sold, rented, transported, or possessed by a person
 in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as
 defined by IC 35-45-6-1) that is the object of a corrupt business
 influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in
 IC 35-45-13-6) and plans, instructions, or publications used to
 commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing,
 photographing, recording, videotaping, digitizing, printing,
 copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in
 violation of IC 35-47.5.

(12) Property (as defined in IC 35-41-1-23) that is:

(A) used in any part; or

(B) acquired from the proceeds;

of the operation of a chop shop (as defined in IC 9-13-2-23.5).

(b) A vehicle used by any person as a common or contract carrier in
 the transaction of business as a common or contract carrier is not
 subject to seizure under this section, unless it can be proven by a
 preponderance of the evidence that the owner of the vehicle knowingly
 permitted the vehicle to be used to engage in conduct that subjects it to
 seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it

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1 can be proven by a preponderance of the evidence that the owner of the
2 equipment knowingly permitted the equipment to be used to engage in
3 conduct that subjects it to seizure under subsection (a)(10).

4 (d) Money, negotiable instruments, securities, weapons,
5 communications devices, or any property commonly used as
6 consideration for a violation of IC 35-48-4 found near or on a person
7 who is committing, attempting to commit, or conspiring to commit any
8 of the following offenses shall be admitted into evidence in an action
9 under this chapter as prima facie evidence that the money, negotiable
10 instrument, security, or other thing of value is property that has been
11 used or was to have been used to facilitate the violation of a criminal
12 statute or is the proceeds of the violation of a criminal statute:

13 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine, a narcotic
14 drug, or methamphetamine).

15 (2) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
16 substance).

17 (3) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

18 (4) IC 35-48-4-4 (dealing in a schedule V controlled substance)
19 as a Class B felony.

20 (5) IC 35-48-4-6 (possession of cocaine, a narcotic drug, or
21 methamphetamine) as a Class A felony, Class B felony, or Class
22 C felony.

23 (6) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as
24 a Class C felony.

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